



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENE ALLEN,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

3:08-cv-0238-BES-VPC

ORDER

Petitioner has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

This is a successive petition which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeal to pursue. See 28 U.S.C. § 2244(b)(3) *et seq.* The petitioner has not presented this Court with proof that he has obtained leave to file a successive petition from the Court of Appeals. Therefore, the petition will be dismissed. **IT IS THEREFORE**

ORDERED that this action is **DISMISSED** with prejudice as a successive petition.

IT IS FURTHER ORDERED that all pending motions (Docket #3, #5, #7, #8, and #9) are **DENIED**.

IT IS FURTHER ORDERED that the Clerk **SHALL ENTER JUDGMENT** accordingly.

Dated this 8th day of October, 2008.


UNITED STATES DISTRICT JUDGE